



UNITED STATES DEPARTMENT OF COMMERCE
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HC

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
08/813,647	03/07/97	HENDEL	A 082225.P2170

LM01/0211
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EXAMINER

VU, T

ART UNIT	PAPER NUMBER
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2756

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DATE MAILED:

02/11/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Advisory ActionApplication No.
08/813,647Applicant(s)
Hendel et alExaminer
Thong VuGroup Art Unit
2756**THE PERIOD FOR RESPONSE: [check only a) or b)]**

- a) ☐ expires _____ months from the mailing date of the final rejection.
- b) ☒ expires either three months from the mailing date of the final rejection, or on the mailing date of this Advisory Action, whichever is later. In no event, however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

- ☐ Appellant's Brief is due two months from the date of the Notice of Appeal filed on _____ (or within any period for response set forth above, whichever is later). See 37 CFR 1.191(d) and 37 CFR 1.192(a).

Applicant's response to the final rejection, filed on Jan 19, 2000 has been considered with the following effect, but is NOT deemed to place the application in condition for allowance:

☒ The proposed amendment(s):

- ☒ will be entered upon filing of a Notice of Appeal and an Appeal Brief.
- ☐ will not be entered because:
- ☐ they raise new issues that would require further consideration and/or search. (See note below).
 - ☐ they raise the issue of new matter. (See note below).
 - ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
 - ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: _____

- ☐ Applicant's response has overcome the following rejection(s): _____
- _____

- ☐ Newly proposed or amended claims _____ would be allowable if submitted in a separate, timely filed amendment cancelling the non-allowable claims.
- ☒ The affidavit, exhibit or request for reconsideration has been considered but does NOT place the application in condition for allowance because:
see attach
- ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
- ☒ For purposes of Appeal, the status of the claims is as follows (see attached written explanation, if any):
- Claims allowed: _____
- Claims objected to: _____
- Claims rejected: 1-41

- ☐ The proposed drawing correction filed on _____ ☐ has ☐ has not been approved by the Examiner.
- ☐ Note the attached Information Disclosure Statement(s), PTO-1449, Paper No(s). _____
- ☐ Other


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GROUP 2700

Art Unit:2756

DETAILED ACTION

Introduction

1. This office action is in response to Amendment filed Jan 19 , 2000. Claims 1-41 are pending. The objections and rejections cited are as state below.

The Amendment serial number is not correct : 08/882,465 instead of 08/813,647.

Response to Arguments

2. As per claim 1, Applicant argues the Choudhury et al did not teach *the emulating a single high speed interface with the plurality of interfaces by assigning to said plurality of interfaces an associated identifier that identifies the connection between said first and second devices*.

Examiner agree to applicant that Choudhury et al do not teach this feature which relies on Baker reference. Baker et al disclose the system using the single emulating multi-point bus or interface [Baker col 1 line 45-65].

* Applicant argues Baker et al teach the converse of what is claimed by applicants.

Applicant recite *the emulating a single high speed interface with the plurality of interfaces* by using many other interface. Examiner rely on Choudhury reference which discloses *the connection the first device and second device to a plurality of interfaces* such as ATM switches [Fig 2], *the first and second devices are in the local area network* such as ATM network [Fig 2]; *an associated identifier that identifies the connection between said first and second devices* such as the identify of corresponding switch [col 25 line 32] or corresponding VPIs [col 19 line 57]; load balancing [col 11 line 2]. In the claim language, Applicants failed to detail the plurality of interface are different or same type. The plurality of interfaces could be ISDN, ATM, FDDI wherein a

Art Unit:2756

single/ global/ universal interface which includes a plurality of channels or connections or interfaces to other devices. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to incorporate the single emulating high speed interface bus as taught by Baker into the Choudhury system in order to enhance the network control and management. By this rationale claim 1 is rejected.

* As per claim 5, Applicant argues *transmitting a first packet of data on only one [or single] of the plurality of interfaces*. Examiner point out the first packet was transmitted on only one of the plurality of interfaces as the inherent feature of Choudhury-Baker teaching.

* As per claim 6, Applicant argues *transmitting assigning a first identifier to a first interface and a second interface at the first device; and identifying a path between the first device to the second device with the first identifier* by the routing table [Choudhury col 3 line 59] which includes the source address, destination address, and identifying the path such as virtual path identifier (VPI)[Choudhury col 4 line 25].

* As per claim 10, Applicant argues Choudhury has no such information about Ethernet with the traffic rate 10 Mbytes/sec. Examiner point out Choudhury disclose the Ethernet adapter [Choudhury col 18 line 30]. Having two Ethernet segments with the maximum throughput could be a router or bridge contains two Ethernet adapters which are well-known in art.

* As per claim 21, Applicant argues Choudhury's load balancing technique is not *a load balancing unit that allocates data to be transmitted on the first and second interface such that data traffic on the first interface and the second interface is approximately the same*. Examiner rely on Choudhury reference taught the load balancing which is well-known in art as allocate the

Art Unit:2756

data traffic on the network between the source or first interface and destination or second interface with the rate is approximately the same such as Ethernet [Choudhury col 11 line 2, col 18 line 30].

* As per claim 34, Applicant argues Choudhury does not teach or suggest a trunking pseudo driver that comprises an identification unit that assigns a first identifier to the first interface and the second interface that identifies a path between the first and the second device . Examiner point out Choudhury taught this function such as a router [Choudhury col 6 line 40] includes the program (or software/driver) which controls the routing table, identifies the source and destination addresses, and selects the shortest path to delivery data.

By these rationale claims 1-41 are rejected.

Thong Vu

Feb 8, 2000



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